

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-22 are pending in the application. Some of claims 1-20 have been amended to improve claim language. New claims 21-22 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/added claims find solid support in the original application, especially the drawings. No new matter has been introduced through the foregoing amendments.

The Examiner's decision to withdraw the Restriction Requirement is noted. The identifier "withdrawn" has been removed from claims 8-20.

The *35 U.S.C. 102(b)* rejection of claims 1-4 and 6-10 as being anticipated by *EP '193* is traversed for the reasons presented in the previous Amendment papers which are incorporated by reference herein.

The Examiner's clarification of the references' teachings regarding the "free middle" portion in the rejection of independent claim 8 is noted. Basically, the Examiner alleges that *EP '193* requires uniform elongation of elastics 30 and argues that the only way to achieve such uniform elongation is to bond elastics 30 to the backsheet at its ends, leaving the middle portion free of direct attachment to the backsheet and the absorbent core as recited in independent claims 1 and 8. The Examiner also alleges that elastic members 31 are only bonded at their ends adjacent the waist margins and thus are not bonded to the second elastic members at their crossover points. *See* Office Action at the paragraph bridging pages 3-4. Applicants respectfully disagree with the Examiner's arguments for the following reasons.

First of all, *EP '193* does not appear to require uniform elongation of elastics 30. The Examiner is kindly asked to cite column and line numbers of *EP '193* where such “uniform” elongation is either explicitly or implicitly required.

It is Applicants’ understanding of the disclosure of *EP '193*, which is commonly owned with the present invention, that the reference does not require uniform elongation of elastics 30, yet requires a desired elongation stress of the front and rear waist regions (24a, 24b) where elastics 30 are located. *See*, e.g., column 4 lines 37+. The desired elongation stress can be obtained in several ways, e.g., elastic strand number, rubber nature, elastic cross section, elongation percentage of the elastics when they are applied to the diaper. *See* e.g., column 5 lines 32-37. Thus, the bonding of elastics 30 is not the only way of achieving the *EP '193* desired elongation stress(es).

Likewise, the *EP '193* leg elastic members 31 are not disclosed or suggested to be bonded only at their ends as alleged by the Examiner. In addition, the curved shape of the leg elastics suggest that the leg elastics 31 might be bonded elsewhere.

Applicants respectfully submit that there is no disclosure or suggestion in *EP '193* to bond the second elastic members only at their ends as disclosed and claimed in the instant application. The anticipatory rejection relying on *EP '193* is therefore improper and should be withdrawn.

The 35 U.S.C. 103(a) rejections relying primarily on *EP '193* are inappropriate for at least the reasons advanced immediately above, because *EP '193* does not fairly teach or suggest the claimed “attachment-free” middle portions.

As to claim 3, the Examiner has not specified with reasonable clarity how *EP '193* teaches or suggests the claimed second elastic members in a contracted state in which a dimension of said second elastic members as measured in the transverse direction is substantially the same as a transverse dimension of said panel as measured in the transverse direction between transversely opposite side edges of said panel. It should be noted that the figures of *EP '193* disclose the article,

and hence the elastics 30, in a stretched state. *EP '193* does not appear to include an enabling disclosure of the contracted state of the elastics 30.

As to claim 6, it appears to be the Examiner's intent to read the bonding sites 20a, 20b of *EP '193* on the claimed welding spots. If so, Applicants respectfully submit that bonding sites 20a, 20b do not lie between each pair of adjacent free middle portions of said second elastic members, as presently claimed. The bonding sites 20a, 20b lie, if at all, between the fixed ends of elastics 30 as best seen in Fig. 1 of *EP '193*.

As to claims 12-16, note the discussion *supra* with respect to claim 6.

As to claims 18-21, the Examiner has not specified with reasonable clarity how *EP '194* teaches or suggests the claimed each adhesive zone being disposed, in the longitudinal direction, between the middle portions of one pair of adjacent said second elastic members, as presently claimed. It appears from Fig. 3 of *EP '194* that the adhesive zones bonding the leg elastics are located, if at all, between the fixed ends of elastics 30. At the very least, *EP '194* does not appear to include an enabling disclosure of the relative position between (i) the adhesive zones bonding the leg elastics and (ii) the middle "attachment free" portions of elastics 30.

New claim 22 is patentable at least be virtue of its dependency on claim 1.

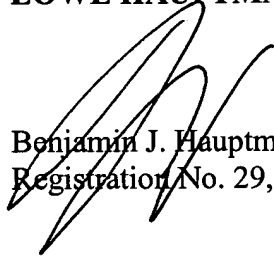
Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 BJH/KL/cjf
(703) 518-5499 Facsimile
Date: December 11, 2006